

III. REMARKS

Claims 27-40 are pending in this application. Claims 1-26 have been canceled. Reconsideration in view of the above amendment and the following remarks is respectfully requested.

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

Applicant appreciates the courtesies extended to Applicant's representative during the telephone interview of October 28, 2008. The substance of the interview is incorporated in the remarks that follow.

In the Office Action, claims 1, 3, 4, 8, 9, 11-13, 15-17, 19, 21, 23, and 24 are rejected under 35 USC 103(a) as allegedly being unpatentable over US Patent No. 5,975,535 to Gail et al. in view of US Patent No. 6,220,602 to Webster et al. Further, claims 2, 18, 20, and 26 are rejected under 35 USC 103(a) as allegedly being unpatentable over Gail et al. in view of Webster et al. in further view of US Patent No. 4,813,608 to Holowach et al., and claims 6 and 7 are rejected under 35 USC 103(a) as allegedly being unpatentable over Gail et al. in view of Webster et al. in further view of US Patent No. 5,042,823 to Mackay et al.

As explained during the interview, Applicant has canceled claims 1-26 and rewritten the claims as new claims 27-40 in an attempt to clarify the invention such that the Office understands the differences between the claimed invention and the prior art.

In addition, Applicant has removed the “adapted to” language from the claims. The claimed invention now includes, *inter alia*: “a support having a substantially frusto-conically shaped support portion facing a high pressure side of the leaf seal for supporting the free portion from a radially inward position relative to the free portion and a mount portion for coupling to the non-rotatable component”. Support for this recitation can be found in the specification, and in particular, figures 21A-21C. Although collectively in a substantially frusto-conical shape, the support can be segmented, if desired. Applicant respectfully submits that the prior art of record is devoid of this feature, among others, and respectfully request allowance of this application. In particular, Gail et al. does not include the claimed invention including the support as recited.

During the telephone interview, Applicant’s representative also explained how the claims are distinguishable from Dinc et al., US Patent No. 6,173,958, in how the support supports the free portion from a radially inward position relative to the free portion. In contrast, Dinc et al. support the brush seal therein from a radially outward position.

With regard to the dependent claims, Applicant submits that these claims are allowable for each of the reasons above and for their own additional features, and respectfully requests withdrawal of the rejection.

Should the Examiner require anything further from Applicant, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully Submitted,

/Spencer K. Warnick/

Spencer K. Warnick
Reg. No. 40,398

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Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, New York 12207
T: 518.449.0044
F: 518.449.0047